

Applicant	:	J. Stuart Cumming
Appl. No.	:	09/740,679
Examiner	:	Eduardo C. Robert
Docket No.	:	13533.4033

Remarks

Favorable reconsideration of this application is requested.

By the present amendment, the independent claims have been amended to obviate the Section 112 rejection and also to more completely define the present inventive lens over the cited art.

Accompanying this Preliminary Amendment is a Declaration of Dr. Arthur Astorino explaining the non-relevancy of the Schlegal patent.

With regard to the rejection of Claims 80, 85 and 86, the use of “symmetrical” surfaces has been deleted. With regard to Claims 53 – 57, 59, 61, 63, 72-74, 77, 90-91, 93-95, 99-102 and 104-124, they have been amended to eliminate the phrase “radii being essentially the same” although it is believed that it is clear from the figures that that was correct.

Turning now to the Section 103 rejections, the rejection of Claims 53 – 57, etc. is believed to be obviated by the present amendment to the present independent claims, particularly in defining at least two symmetrical plate haptics extending radially from the optic with their inner ends adjacent the optic and separated from the optic with a linear groove across each plate haptic tangential to the optic designed to allow the optic to move axially relative to the outer ends of the haptics. Certainly Schlegal has no similar linear groove across each haptic tangential to the optic as defined. Schlegal at best has a slightly narrowed annular surface, and it is still respectfully contended that the Schlegal lens is not capable of accommodating by the optic moving axially relative to the outer ends of the haptics and for facilitating maximum axial movement of the optic as defined.

Turning to the rejection of Claims 80, 85 and 86 over the identified art, independent Claim 80 has been amended to define at least two symmetrical plate

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haptics extending from the optic with each haptic having a discreet linear groove across each haptic adjacent and tangential to the optic forming a hinge to allow axial movement of the optic relative to the outer ends of the haptics. No such structure is shown, describe nor hinted at in the cited art.

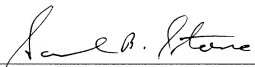
Accompanying this preliminary amendment is a Declaration of Dr. Arthur Astorino explaining the non-relevancy of the Schlegal patent.

Accordingly, reconsideration and issuance of a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP

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